

REMARKS

Applicant has carefully considered the September 21, 2006 Office Action, and the amendments and comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 11, 12, 15, 16, 19 and 21-30 were pending in this application. In response to the Office Action dated September 21, 2006, claims 11, 15, 16, 19, 23, 24, 27 and 30 have been amended and claim 22 has been cancelled. New claims 31, 32, 33 and 34 have been added. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Applicants submit that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

Applicants gratefully acknowledge the Examiner's indication of allowable subject matter. Claims 25, 26 and 29 are allowed and claim 22 was indicated as allowable if recast in independent form. Independent claim 19 has been amended to include the subject matter of claim 22, now cancelled. Therefore, claim 19 as amended is in condition for allowance. Moreover, for the reasons advanced below, all the remaining pending claims are believed to be in condition for allowance.

Claim 15 was objected to for minor informalities. Applicants respectfully request reconsideration and withdrawal of the objection in view of the foregoing amendment to claim 15 which addresses the Examiner's concerns.

Claims 16, 19, 21 and 23-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grande et al. (U.S. Pat. No. 4,399,531, hereinafter "Grande") in view of RFC: TCP Selective Acknowledgement Options, Mathis, M., et al. Oct. 1996 (hereinafter "Mathis"). Applicants respectfully traverse.

Claims 11-12, 15, 27-28 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tarr et al. (U.S. Pat. No. 5,184,179, hereinafter "Tarr") in view of Cawley (U.S. Pat. No. 5,361,334, hereinafter "Cawley"). Applicants respectfully traverse.

No additional prior art rejections are set forth in the Office action.

Independent claims 11, 15, 16, 23 and 24 have been amended, in pertinent part, to describe that when the command data does not include the expiration date and/or time, the control unit permits transmission of the control data to the apparatus on condition that current date and/or time obtained from the clock is not past a second expiration date and/or time obtained from the transmission date and/or time and the threshold date and/or time information. Support for the newly added subject matter can be found in allowed claims 25 and 29.

Independent claims 19, 27 and 30 have been amended to describe that the command is a command to change a setting condition of the image forming apparatus or a command to request an operation of the image forming apparatus. Support for the amendment is found in claim 22 which was indicated as allowable if recast in independent form.

New dependent claims 31-34 have been added to disclose that a decision unit for deciding whether or not the command data received by the receiving unit includes the first expiration date and/or time.

It is believed that Grande alone, or in combination with Mathis, fails to disclose or remotely suggest every limitation of independent claims 16, 23 and 24 as amended. Indeed, it is

not apparent where either reference teaches or suggests that when command data does not include expiration date and/or time, a control unit permits transmission of control data to an apparatus on condition that current date and/or time obtained from the clock is not past a second expiration date and/or time obtained from a transmission date and/or time and a threshold date and/or time information.

Moreover, it is believed that Tarr alone, or in combination with Cawley, fails to disclose or remotely suggest every limitation of independent claims 11, 15, 27 and 30 as amended. Indeed, it is not apparent where either reference teaches or suggests that when command data does not include expiration date and/or time, a control unit permits transmission of control data to an apparatus on condition that current date and/or time obtained from the clock is not past a second expiration date and/or time obtained from a transmission date and/or time and a threshold date and/or time information. Further, it is not apparent where either reference discloses or remotely suggests that a command that is a command to change a setting condition of the image forming apparatus or a command to request an operation of the image forming apparatus.

In view of the above, the allowance of claims 11, 12, 15, 16, 19, 21 and 23-34 is respectfully solicited. Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

Application No.: 09/547,673

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Brian K. Seidleck
Registration No. 51,321

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BKS:idw
Facsimile: 202.756.8087
Date: January 17, 2007

**Please recognize our Customer No. 20277
as our correspondence address.**